

JASA - Legal Services for Elder Justice
97-77 Queens Blvd, Suite 600
Rego Park, NY 11374
Tel: 718-286-1500
Fax: 718-275-5352



September 24, 2025

Hon. Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Re: Simmons and Lauture v. SUNco Capital, LLC, et al.
Case No. 24-cv07129-BMC

Dear Judge Cogan,

This office is co-counsel representing Plaintiffs Sheila Simmons and Marie Lauture. In light of this Court's order dated September 22, 2025, Plaintiffs consent to Defendant SUNco Capital, LLC's request to conduct the appearance on September 30, 2025 remotely.

However, Plaintiffs now seek clarification regarding the procedure for the September 30, 2025 appearance. We understood that since the bench trial will determine the pre-trial relief sought by defendants, namely to dismiss the case and/or compel arbitration, that it would be defendants who would open the trial with their case. Now, since only plaintiffs are prepared to testify on the first appearance date, it would appear that the order of presentation would be reversed. We seek clarification as to whether plaintiffs are appearing as witnesses to be called by defendants as part of defendants case before this Court or if plaintiffs are expected to begin their case before defendants and testify on their own behalf. We would request to preserve our right to call defendants' witnesses when they are available as part of our case in chief. Thank you for your attention.

Sincerely,

Mark Sicari /s/

Mark Sicari, Esq.

cc: All counsel of record via ECF

JASA - Legal Services for Elder Justice
97-77 Queens Blvd, Suite 600
Rego Park, NY 11374
Tel: 718-286-1500
Fax: 718-275-5352

